

Government of the District of Columbia

ZONING COMMISSION



Application No. 12896, of William D. Hooper Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against locating a parking space less than ten feet from a dwelling (Paragraph 7205.21) and having no setback from the side lot line (Paragraph 7205.12) for a proposed driveway and parking space to serve the subject premises in an R-5-C District at the premises 3009 Rodman Street, N. W. (Square 2060, Lot 19).

HEARING DATE: March 21, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject application was on the preliminary calendar of the public hearing of March 21, 1979. The affidavit of posting evidenced that the property had been posted for seven days rather than ten days as required by Section 3.3 of the Supplemental Rules of Practice and Procedure before the BZA. The applicant explained that the date on the affidavit of posting was the day the picture of the posting had been taken and, in fact, the property had been posted five days prior to the date of the picture taking.

2. The subject property is located on the north side of Rodman Street, between Connecticut Avenue and Quebec Place, N. W. It is in an R-5-C District and is known as 3009 Rodman Street, N. W.

3. The subject site is improved with a single family detached dwelling.

4. The dwelling presently has no parking space. If the dwelling were constructed under the present Zoning Regulations, one off-street parking space would be required.

5. The applicant proposes a driveway and parking space in the east side yard to serve the subject premise.

6. There is a nine foot side yard between the subject property and that of the abutting property to the east.

7. The Zoning Regulations require that a parking space be located ten feet from the dwelling and three feet from the side lot line. Accordingly, the applicant requires variances of 7.90 feet and three feet for distance of parking from the dwelling and from the side lot line, respectively. A distance of 2.10 feet from the dwelling is provided. The space is located immediately adjacent to the side lot line.

8. Rodman Street is used for parking by both public transit users and local residents, thus posing a severe on-street parking problem in the area.

9. The dwelling is located on the lot in such a manner that there is no way to locate a parking space on the site without requiring a variance.

10. Evidence of record shows that other dwellings in the immediate area have similar parking spaces, without any apparent adverse effect.

11. Advisory Neighborhood Commission 3C, by letter of March 18, indicated that no meeting of the ANC was scheduled before the Board's hearing and, thus, no official position of the ANC was available. The ANC did report that the Commission was not advised by neighbors of the subject application of either their opposition to or support of the application.

12. The owners of abutting property, located at 3700 Connecticut Avenue and 3011 Rodman Street, filed letters in support of the application.

13. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner arising out of the property itself. The Board concludes that the location of the existing dwelling on the lot creates a practical difficulty for the owner, in that if the Regulations were to be strictly applied, no parking space could be located on the site. The Board

notes that if the dwelling were constructed under the present Zoning Regulations, one off-street parking space would be required. The Board further notes that there is a severe on-street parking problem, in the area. The Board concludes that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations, and will not tend to affect adversely the use of the neighboring properties. Accordingly, it is therefore ORDERED that the application be granted.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Chloethiel Smith, Leonard L. McCants, **Charles R. Norris**, to grant).

By ORDER OF D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER : 4 JUN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.